

**BOROUGH OF DUMONT
BERGEN COUNTY, N.J.
ETHICS BOARD
MINUTES - MAY 16, 2013**

Flag Salute

SUNSHINE LAW: The notice requirements of the Open Public Meetings Act of the State of New Jersey have been satisfied by the inclusion of the date, time, and place of this public meeting of the Ethics Board. Notice of this meeting is posted at Borough Hall, was sent to **The Record** and the **Ridgewood News**, posted on the Borough website and filed with the Borough of Dumont.

ROLL CALL: Thomas Ciotti, Jena Edone, Adriann Green, John McKenna, Ted Pomeroy, Thomas Reagan-present

Also at the meeting was Kathy Schaefer, Ethics Board Secretary

Motion to open the meeting to the public: Mr. Reagan

Second: Mr. Ciotti

All in favor: Aye

There being no members of the public at the meeting, motion made to close the meeting to the public: Mr. Reagan

Second: Ms. Green

All in favor: Aye

Copies of the minutes of the February 7, 2013 meeting were sent to the board members prior to the meeting.

Motion to approve the minutes of the February 7, 2013 Ethics Board Meeting: Ms. Green

Second: Ms. Edone

All in favor: Aye

Abstain: Mr. Reagan and Mr. McKenna

Copies of the 2013 Retainer Agreement submitted by Board Attorney Ethan Sheffet were sent to board members prior to the meeting.

Motion to approve Mr. Sheffet's retainer agreement for 2013: Mr. Reagan

Second: Mr. McKenna

All in favor: Aye

Copies of the May 13, 2013 invoice submitted by Board Attorney Ethan Sheffet were sent to the board members prior to the meeting.

Motion to approve the May 13, 2013 invoice: Mr. Reagan

Second: Mr. McKenna

All in favor: Aye

Mr. Reagan advised that he received a letter today from McKenna indicating that he was resigning from the Ethics Board due to family commitments. Mr. Reagan, on behalf of the Board, thanked Mr. McKenna for his commitment to the Board.

Ms. Schaefer reminded the board members that their 2013 Financial Disclosure Statement were due to be filed by May 31, 2013.

Mr. Sheffet joined the meeting at 7:20pm.

Mr. Sheffet stated that he had looked at all the materials the board secretary had sent him and really there were two open issues from last year. The first issue we definitely handled at the last meeting and what he had said at the last meeting, he is even more confident now after looking at everything. You really can't have ethics rules that apply to governmental employees or elected officials apply to somebody that's been elected and hasn't taken the oath of office. He actually went back and saw that somebody had said that the definition of a government employee included someone who was elected but that is not what they were really talking about. He stated that he thinks it's clear that we can't do anything about that, that's all water under the bridge, and we are not going to go back over that.

The other issue was about giving an advisory opinion and the prior attorney was supposed to do whatever that attorney was supposed to do in order for the Ethics Board to be able to make advisory opinions. The Ethics Board is allowed to make advisory opinions based on the current status of everything so there was nothing to do on that because you already have that right. He stated that he really does not know why you weren't told that but nothing needs to change for you to be able to do that.

Mr. Ciotti asked that if going forward would it make sense that if a complaint does come in, it be reviewed by the attorney before it came before the members of the Board. Mr. Sheffet stated factually when they talk about who a local government officer is, which is one of who the rules of ethics applies to, it applies to local government employee and it applies to local government officer. When they talk about who a local government officer means, it means that somebody who is appointed or elected, but when they say elected, they don't mean ballots came in and he had the most votes, they mean that he got elected, you take an oath and you get sworn in and as stated at the last meeting, these rules apply because you can have the ability to control policy once you take your seat, you can vote, you can influence votes because you get to speak at meetings, you can speak at closed executive sessions, and the person we were talking about didn't have the ability to do any of those things, these rules really did not apply at that point.

Mr. Sheffet stated that again, if you want to get involved in your role, there are tons of employees who have questions, you may get swamped with questions so maybe you do not want to do that, but there's always going to be employees and council people who have all types of questions, is this ethical or is it not ethical, and he feels that would be a good function – to handle those inquiries.

Motion to adjourn: Mr. Pomeroy
Second: Mr. McKenna
All in favor: Aye

The next meeting of the Ethics Board is scheduled for July 18, 2013.